



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,196	05/28/2002	Rolf Heddrich	Metal 1285-WCG	9092

7590                    03/14/2003

Norris McLaughlin & Marcus  
30th Floor  
220 East 42nd Street  
New York, NY 10017

EXAMINER

JULES, FRANTZ F

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/030,196	HEDDRICH ET AL
	Examiner Frantz F. Jules	Art Unit 3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 August 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                          | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                 | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

On page 3, line 29, the specification makes reference to claims 1, 4, or 7 which is not conforming to current office practice. Any reference to a particular claim No. mentioned in the specification should be deleted such as Claims 2, 3, 5, 6, 9, and 10 mentioned in line 30.

On page 4 of the specification, the brief description of Fig. 2 calls for an enlarged section of the track support design in the region of the jib shown in fig. 1, the specification should use a designation such as –section X-X– to identify this enlarged partial section. Similar correction should be made to the brief description of Fig. 4 and Fig. 5.

Brief Description of The Drawings as well as Summary of Invention subtitles are missing from the specification.

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to because:

On page 4 of the specification, the brief description of Fig. 3 calls for an enlarged depiction of detail X in Fig. 2. The drawings do not show any detail X in Fig. 2.

On page 4 of the specification, the brief description of Fig. 2 calls for an enlarged section of the track support design in the region of the jib shown in fig. 1, the drawing do not show any label identifying this enlarged partial section.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recitation of "a closed hollow trapezoidal" in claim 1, line 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Similar problem exists in claim 4, line 3, claim 7, line 3.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Claim Objections***

4. Claims 1-18 are objected to because of the following informalities:

In claim 1, line 4, the phrase "which support" should be replaced by –said support–. Similar change should be made to claim 7, line 4.

In claim 1, lines 6-7, the phrase "which cover plate" should be changed by –said cover plate–. Similar change should be made in claim 7, line 6.

In claim 1, lines 5-6, the phrase "over side wall web plates, which converge at an angle to the mid-vertical plane of the track support" should be changed to –over side wall web plates of the track support which converge at an angle to the mid-vertical plane–.

In claim 1, line 9, the phrase "which plate" should be changed to –said plate–.

In claim 1, lines 9-11, the phrase "end section of which plate and the adjacent side wall web plate on the one hand and the adjacent side guidance rail on the other hand"

should be replaced by –end section of said plate, the adjacent side wall web plate, and the adjacent side guidance rail--.

In claim 4, line 4, the phrase “which support” should be replaced by –said support–.

In claim 4, lines 7, the phrase “which cover plate” should be changed by –said cover plate–.

In claim 4, line 10, the phrase “which plates” should be changed to –said plates–.

In claim 4, lines 12-14, the phrase “the first stator support web plate and the adjacent side wall web plate on the one hand and the other stator support web plate and the adjacent side guidance rails on the other hand” should be replaced by –a first one of the stator support web plates, the adjacent side wall web plate, the other stator support web plate, and the adjacent side guidance rail–.

In claim 7, lines 11-13, the phrase “the first stator support web plate and the adjacent side wall web plate on the one hand and the other stator support web plate and the adjacent side guidance rail on the other hand” should be replaced by –a first one of the stator support web plates, the adjacent side wall web plate, the other stator support web plate, and the adjacent side guidance rail–.

In claim 11, line 4, the word “holes” should be replaced by –the holes–

Appropriate correction is required.

Claims 2-3, 5-6, 8-9, 10-18 are objected as being dependent upon objected base claims 1, 4, and 7.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, the phrase "which is optionally fully welded in a fully automatic manner" is confusing as it is unclear whether the steel support is made by welded or not and it is not clear were the automatic weld applies to the track support and in which manner. Similar confusing term exists in claim 4, line 2, claim 7, line 2.

In claim 1, line 4, the phrase "in the manner of a jib" is confusing as it is unclear what particular manner applicant is referring to. Similar confusing term exists in claim 4, lines 4-5, claim 7, line 4.

Claim 1 recites the limitation "the track" in line 1. There is insufficient antecedent basis for this limitation in the claim. Similar lack of antecedent basis term exists in claim 4, line 1, claim 7, line 1.

Claim 1 recites the limitation "the cover plate of which support" in line 4. There is insufficient antecedent basis for this limitation in the claim. Similar lack of antecedent basis term exists in claim 4, line 4, claim 7, line 4

In claim 1, line 5, the word "its" is confusing as it is unclear from the context of the claim which particular one of the previously recited structure, applicant is referring to. Similar problem exists in claim 4, line 5, claim 7, line 5.

Claim 1 recites the limitation "the ground-side end section" in line 9. There is insufficient antecedent basis for this limitation in the claim. Similar lack of antecedent basis term exists in claim 4, line 10.

In claim 1, line 12, the word "plates" is confusing as it is unclear which particular one of the numerous plates recited above, applicant is referring to.

Claim 1 recites the limitation "the grooved cross members" in line 13. There is insufficient antecedent basis for this limitation in the claim. Similar lack of antecedent basis term exists in claim 10, line 3.

In claim 2, lines 2-3, the phrase "the set down zone of the jib" is confusing as it is unclear which particular area of the jib, applicant is referring to. Similar confusing term exists in claim 6, line 2, claim 8, line 3, claim 13, line 2, claim 14, line 2

Claim 2 recites the limitation "the vertical load plane" in line 2. There is insufficient antecedent basis for this limitation in the claim. Similar lack of antecedent basis term exists in claim 3, line 2, claim 6, line 2, claim 8, line 3, claim 13, line 2, claim 14, line 2.

In claim 3, lines 1-3, the phrase "the distance of the web flanges from the vertical load plane including the set-down zone is of equal size" is confusing as it is unclear which particular distance applicant is referring to.

Claim 4 recites the limitation "the web plates" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the jib-side cross grooves" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3617

Claim 4 recites the limitation "the stator packs" in line 11. There is insufficient antecedent basis for this limitation in the claim. Similar lack of antecedent basis term exists in claim 1, line 13, claim 7, line 10.

Claim 4 recites the limitation "the side walls" in line 5. There is insufficient antecedent basis for this limitation in the claim.

In claim 6, lines 1-3, the phrase "the distance of the stator web plates from the vertical load plane running through the set-down zone is of equal size" is confusing as it is unclear which particular distance applicant is referring to since the set-down zone has not been identified.

Claim 7 recites the limitation "the side wall web plates" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the set-down zone" in line 8-9. There is insufficient antecedent basis for this limitation in the claim. Similar lack of antecedent basis term exists in claim 8, line 3.

Claim 7 recites the limitation "the ground-side end sections" in line 9. There is insufficient antecedent basis for this limitation in the claim.

In claim 7, line 9, the phrase "these plates" is confusing as it is unclear how it relates to previously recited plates above such as stator support web plates, the cover plate, the side wall web plates.

Claim 7 recites the limitation "the jib-side cross grooves" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3617

In claim 8, lines 1-3, the phrase "the line bisecting the angle between the stator support web plates, which converge at an acute angle, runs in the vertical load plane of the set-down zone" is confusing as it is unclear which particular direction for the line applicant is referring to by using the phrase "runs in the vertical load plane of the set-down zone".

In claim 9, line 1, the phrase "the cavity" is confusing as it is unclear which particular one of the numerous cavities recited above in claim 7, applicant is referring to. Similar unclear term exists in claim 15, line 1

Claim 10 recites the limitation "the web flanges" in line 2. There is insufficient antecedent basis for this limitation in the claim. Similar problem exists in claim 11, line 2, line 5, claim 16, line 2, claim 17, line 2, claim 18, lines 2-3.

Claim 10 recites the limitation "the bolts" in line 2. There is insufficient antecedent basis for this limitation in the claim. Similar lack of antecedent basis term exists in claim 10, line 2 claim 16, line 3, claim 17, line 3, claim 18, line 2.

In claim 13, lines 1-2, the phrase "the distance of the web flanges from the vertical load plane running through the set-down zone is of equal size" is confusing as it is unclear which particular distance applicant is referring to since it is unclear which reference point applicant is referring to by the vertical load plane as well as the set-down zone.

In claim 14, lines 1-2, the phrase "the distance of the stator web plates from the vertical load plane running through the set-down zone is of equal size" is confusing as it is unclear which particular distance applicant is referring to since it is unclear which reference point applicant is referring to by the vertical load plane as well as the set-down zone.

In claim 16, line 3, the word "holes" is confusing as it is unclear which particular ones of the numerous holes recited above, applicant is referring to.

***Allowable Subject Matter***

7. Claims 1-18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. None of the references of record suggests a track support for a magnetic levitation railway comprised of a steel support having a closed hollow trapezoidal or hollow triangular cross section with closed end faces, said support having a cover plate forming an upper chord which projects in the manner of a jib with longitudinal edge sections over side wall web plates which converge at an angle to the mid-vertical plane of the track support and a side guidance rail arranged at each end of said cover plate, wherein a stator support web plate, running parallel to the mid-vertical plane of the track support, is arranged on the underside of each jib and between ground end section of said plate, adjacent side wall web plate, and adjacent side guidance rail, whereby horizontal plates are provided with formation of closed cavities with two web flanges running parallel to one another being arranged per jib on the underside of the horizontal plates, said flanges having grooved cross members supporting the stator packs which are screwed between the flanges in the manner defined in the instant claims 1, 4, and 7.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Maier et al are cited to show related track support for a magnetic levitation railway having a cover plate projecting on both sides in the manner of a jib, with stator pack attached at the bottom of the jib.

Raschbichler et al cited to show related track support for a magnetic levitation railway having a cover plate projecting on both sides in the manner of a jib, with stator pack attached at the bottom of the jib by cross members which are attached to the bottom of anchoring members.

Wagner is cited to show related track support for a magnetic levitation railway having a cover plate projecting on both sides in the manner of a jib, with stator pack attached at the bottom of the jib to a stator support web plate and a side wall web plate.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Art Unit: 3617

Frantz F. Jules  
Examiner  
Art Unit 3617

FRANTZ F. JULES  
PATENT EXAMINER

FFJ



March 10, 2003